

AMENDED IN SENATE JULY 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1437**

**Introduced by Assembly Member Huffman**

(Principal coauthor: Senator Florez)

**(~~Coauthor: Assembly Member Tom Berryhill~~ Coauthors: Assembly  
Members Tom Berryhill, Galgiani, Lieu, Nava, and Solorio)**

*(Coauthors: Senators Hancock and Maldonado)*

February 27, 2009

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An act to add Chapter 14 (commencing with Section 25995) to Division 20 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1437, as amended, Huffman. Shelled eggs: sale for human consumption: compliance with animal care standards.

Existing law, the Sherman Food, Drug, and Cosmetic Law, requires the State Department of Public Health to regulate ~~manufacture, sale,~~ *manufacturing, sales*, labeling, and advertising activities related to food, drugs, devices, and cosmetics in conformity with the federal Food, Drug, and Cosmetic Act, including, but not limited to, prohibition against the receipt in commerce of any adulterated food, as defined. A violation of these provisions is a crime.

Existing law, enacted as Proposition 2, an initiative measure approved by the voters at the November 4, 2008, statewide general election, establishes, commencing January 1, 2015, specified farm animal treatment standards.

This bill would, commencing January 1, 2015, prohibit the sale of a shelled egg for human consumption if it is the product of an egg-laying hen that was confined on a farm or place that is not in compliance with

those animal care standards and would *require the department to, by January 1, 2011, develop and adopt regulations regarding housing standards for egg-laying hens that are consistent with these standards. The bill would also* make violations of these provisions a crime. This bill would declare that its provisions are severable. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Chapter 14 (commencing with Section 25995)  
2     is added to Division 20 of the Health and Safety Code, to read:

3  
4                     CHAPTER 14. SHELLED EGGS

5  
6     25995. The Legislature finds and declares all of the following:

7     (a) According to the Pew Commission on Industrial Farm  
8     Production, food animals that are treated well and provided with  
9     at least minimum accommodation of their natural behaviors and  
10    physical needs are healthier and safer for human consumption.

11    (b) A key finding from the World Health Organization and Food  
12    and Agricultural Organization of the United Nations Salmonella  
13    Risk Assessment was that reducing flock prevalence results in a  
14    directly proportional reduction in human health risk.

15    (c) Egg-laying hens subjected to stress are more likely to have  
16    higher levels of pathogens in their intestines and the conditions  
17    increase the likelihood that consumers will be exposed to higher  
18    levels of food-borne pathogens.

19    (d) Salmonella is the most commonly diagnosed food-borne  
20    illness in the United States.

21    (e) It is the intent of the Legislature to protect California  
22    consumers from the deleterious, health, safety, and welfare effects  
23    of the sale and consumption of eggs derived from egg-laying hens

1 that are exposed to significant stress and may result in increased  
2 exposure to disease pathogens including salmonella.

3 *(f) It is also the intent of the Legislature to further protect the*  
4 *welfare of egg-laying hens in addition to and supplemental to the*  
5 *protections afforded by Chapter 13.8 (commencing with Section*  
6 *25990).*

7 25996. ~~(a)~~ Commencing January 1, 2015, a shelled egg may  
8 not be sold or contracted for sale for human consumption in  
9 California if it is the product of an egg-laying hen that was confined  
10 on a farm or place that is not in compliance with animal care  
11 standards set forth in Chapter 13.8 (commencing with Section  
12 25990).

13 ~~(b) Any~~  
14 25997. *The State Department of Public Health in consultation*  
15 *with the Department of Food and Agriculture shall, by January*  
16 *1, 2011, develop and adopt regulations regarding housing*  
17 *standards for egg-laying hens that are consistent with the animal*  
18 *welfare care standards set forth in Chapter 13.8 (commencing*  
19 *with Section 25590).*

20 25997.1. *Nothing in this chapter, or in the regulations required*  
21 *pursuant to Section 25997, shall prohibit the sale of a shelled egg*  
22 *that is the product of an egg-laying hen confined on a farm or*  
23 *place in accordance with the "Floor Space Per Hen" standards*  
24 *contained in the 2008 Edition of the United Egg Producers Animal*  
25 *Husbandry Guidelines for Cage Free Production in effect as of*  
26 *June 15, 2009.*

27 25997.2. Any person who violates this chapter is guilty of a  
28 misdemeanor, and upon conviction thereof shall be punished by  
29 a fine not to exceed one thousand dollars (\$1,000) or by  
30 imprisonment in the county jail for a period not to exceed 180 days  
31 or by both that fine and imprisonment.

32 ~~(e) The~~  
33 25997.3. *The provisions of this chapter are in addition to, and*  
34 *not in lieu of, any other laws protecting animal welfare, including*  
35 *the Penal Code. This chapter shall not be construed to limit any*  
36 *state law or regulation protecting the welfare of animals, nor shall*  
37 *anything in this chapter prevent a local governing body from*  
38 *adopting and enforcing its own animal welfare laws and*  
39 *regulations.*

1 SEC. 2. If any provision of this act, or the application thereof  
2 to any person or circumstances, is held invalid or unconstitutional,  
3 that invalidity or unconstitutionality shall not affect other  
4 provisions or applications of this act or other existing state law or  
5 regulation that can be given effect with out the invalid or  
6 unconstitutional provision or application, and to this end the  
7 provisions of this act are severable.

8 SEC. 3. No reimbursement is required by this act pursuant to  
9 Section 6 of Article XIII B of the California Constitution because  
10 the only costs that may be incurred by a local agency or school  
11 district will be incurred because this act creates a new crime or  
12 infraction, eliminates a crime or infraction, or changes the penalty  
13 for a crime or infraction, within the meaning of Section 17556 of  
14 the Government Code, or changes the definition of a crime within  
15 the meaning of Section 6 of Article XIII B of the California  
16 Constitution.